

OPEN MEETING ITEM

COMMISSIONERS
BOB STUMP – Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH



ARIZONA CORPORATION COMMISSION

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

2014 JUL 8 PM 1 40

DATE: JULY 8, 2014
DOCKET NO.: E-01933A-12-0291

ORIGINAL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane L. Rodda. The recommendation has been filed in the form of an Order on:

TUCSON ELECTRIC POWER COMPANY
(EXTENDS COMPLIANCE DEADLINE IN DECISION NOS. 73912 AND 74163)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

JULY 17, 2014

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

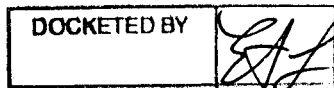
JULY 22, 2014 and JULY 23, 2014

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

DOCKETED

JUL 8 2014



Jodi A. Jerich
JODI JERICH
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347
www.azcc.gov

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 BOB STUMP - Chairman
4 GARY PIERCE
5 BRENDA BURNS
6 BOB BURNS
7 SUSAN BITTER SMITH

8 IN THE MATTER OF THE APPLICATION OF
9 TUCSON ELECTRIC POWER COMPANY FOR
10 THE ESTABLISHMENT OF JUST AND
11 REASONABLE RATES AND CHARGES
12 DESIGNED TO REALIZE A REASONABLE
13 RATE OF RETURN ON THE FAIR VALUE OF
14 ITS OPERATIONS THROUGHOUT THE STATE
15 OF ARIZONA.

DOCKET NO. E-01933A-12-0291

DECISION NO. _____

ORDER
(Extends Compliance Deadline in
Decision Nos. 73912 and 74163)

11 Open Meeting
12 July 22, 2014 and July 23, 2014
13 Phoenix, Arizona

14 **BY THE COMMISSION:**

15 * * * * *

16 Having considered the entire record herein and being fully advised in the premises, the
17 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

18 **FINDINGS OF FACT**

19 1. In Decision No. 73912 (April 16, 2013), the Commission approved a settlement
20 agreement that provided for new rates and charges for Tucson Electric Power Company ("TEP" or
21 Company").

22 2. The approved settlement agreement provides that TEP:

23 ...shall file in this docket by August 30, 2013, a proposed tariff for interruptible rates.
24 Staff agrees that it will review the filing and docket a Staff Report and Proposed Order
for the consideration of the Commission by December 31, 2013.¹

25 In addition as part of Decision No. 73912, the Commission ordered that TEP:

26
27
28 ¹ Settlement Agreement at § 20.5.

1 ... shall file on or before August 30, 2013, a revised Partial Requirements Service
2 Tariff and a Super-Peak Time-of-Use Tariff.²

3 3. In Decision No. 74163 (October 25, 2013), upon TEP's request for more time to file
4 the tariffs, the Commission extended the deadline to file the tariffs until October 30, 2013, and for the
5 Commission's Utilities Division ("Staff") to file a Staff Report and Proposed Order until March 31,
6 2014.

7 4. On March 27, 2014, Staff filed a motion for Extension of Time, until June 30, 2014, to
8 file its Staff Report and Proposed Order. Staff stated that it required additional information from the
9 Company and needed additional time to prepare its Staff Report and Proposed Order. By Procedural
10 Order dated April 1, 2014, parties were requested to file any objections to Staff's requested
11 extension. None were received.

12 5. On June 27, 2014, Staff filed a Motion for Extension of Time to file its Staff Report
13 regarding the Partial Requirements Service tariff. Staff reports that it is still in the process of
14 obtaining information from TEP regarding the Partial Requirements tariff, and that some of the issues
15 being discussed in the ongoing distributed generation and net metering workshops (Docket No. E-
16 00000J-14-0023) bear on the Partial Requirements Service tariff. Consequently, Staff requests an
17 extension until December 31, 2014 to file its Staff Report and Proposed Order for the Partial
18 Requirements tariff. The Commission has received no objections to Staff's Request.

19 6. The Staff Report and Proposed Order regarding the Residential Super Peak Time of
20 Use tariff was approved in Decision No. 74498 (May 23, 2014), and a Staff Report and Proposed
21 Order for the Interruptible Service tariff was docketed on June 26, 2014.

22 7. No objections were received to Staff's Motion, and the request for more time to file a
23 Staff Report and Proposed Order for the Partial Requirements Service tariff is reasonable under the
24 circumstances.

25 CONCLUSIONS OF LAW

26 1. TEP is a public service corporation within the meaning of Article XV of the Arizona
27 Constitution and A.R.S. §§ 40-281 and 40-282.

28 ² Decision N. 74912 at 74.

2. The Commission has jurisdiction over TEP and the subject matter of the request.

3. An extension of time to comply with the requirements of Decision Nos. 73912 and 74163, as discussed herein, is fair and reasonable and in the public interest.

ORDER

IT IS THEREFORE ORDERED that the deadline for Staff to file a Staff Report and Proposed Order for a revised Partial Requirements Service Tariff as required in Decision No. 73912 and 74163 is extended to December 31, 2014.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____ 2014.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
JR:tv

1 SERVICE LIST FOR:

TUCSON ELECTRIC POWER COMPANY

2 DOCKET NO.:

E-01933A-12-0291

3 Bradley S. Carroll
4 TUCSON ELECTRIC POWER COMPANY
5 88 East Broadway, MS HQE910
6 PO Box 711
7 Tucson, Arizona 85702

8 Michael W. Patten, Esq.
9 ROSHKA DE WULF & PATTEN, PLC
10 One Arizona Center
11 400 East Van Buren Street, Suite 800
12 Phoenix, AZ 85004
13 Attorneys for TEP

14 Lawrence V. Robertson
15 PO Box 1448
16 Tubac, AZ 85646
17 Attorney for SAHBA
18 and EnerNOC, Inc. and
19 SAWUA

20 Daniel Pozefsky
21 Chief Counsel
22 RESIDENTIAL UTILITY CONSUMER OFFICE
23 1110 West Washington, Suite 220
24 Phoenix, AZ 85007

25 C. Webb Crocket
26 Patrick J. Black
27 FENNEMORE CRAIG, PC
28 2394 E. Camelback Road, Suite 600
Phoenix, AZ 85016-3429
Attorneys for Freeport-McMoRan
And AECC

Kevin C. Higgins
ENERGY STRATEGIES, LLC
215 South State Street
Suite 200
Salt Lake City, Utah 84111
Consultant to Freeport-McMoRan
and AECC

Kurt J. Boehm
Jody M. Kyler
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202
Attorneys for Kroger

1 John William Moore, Jr.
2 7321 North 16th Street
3 Phoenix, AZ 85020
4 Attorney for Kroger

5 Stephen J. Baron
6 J. KENNEDY & ASSOCIATES
7 570 Colonial Park Drive, Suite 305
8 Roswell, GA 30075
9 Consultant to Kroger

10 Thomas L. Mumaw
11 Melissa Krueger
12 PINNACLE WEST CAPITAL CORPORATION
13 PO Box 53999, MS 8695
14 Phoenix, AZ 85072-3999

15 Leland Snook
16 Zachary J. Fryer
17 ARIZONA PUBLIC SERVICE COMPANY
18 PO Box 53999, MS 9708
19 Phoenix, AZ 85072-3999

20 Timothy M. Hogan
21 ARIZONA CENTER FOR LAW IN THE PUBLIC INTEREST
22 202 E. McDowell Road, Suite 153
23 Phoenix, AZ 85004
24 thogan@aclpi.org
25 Attorneys for SWEEP and Vote Solar

26 Jeff Schlegel
27 SWEEP Arizona Representative
28 1167 W. Smalayuca Dr.
Tucson, AZ 85704-3224
schlegelj@aol.com

Annie Lappe
Rick Gilliam
THE VOTE SOLAR INITIATIVE
1120 Pearl Street, Suite 200
Boulder, Colorado 80302
annie@votesolar.org
rick@votesolar.org

Nicholas J. Enoch
Jarrett J. Haskovec
LUBIN & ENOCH, PC
349 North Fourth Avenue
Phoenix, AZ 85003
Nick@lubinandenoch.com
Jarrett@lubinandenoch.com
Attorneys for IBEW Local 1116

1 Travis Ritchie
2 SIERRA CLUB ENVIRONMENTAL LAW PROGRAM
3 85 Second St., 2nd Floor
4 San Francisco, CA 94105
5 travis.ritchie@sierraclub.org

6 Terrance A. Spann, Esq.
7 General Attorney
8 Regulatory Law Office (JALS-RL/IP)
9 U.S. ARMY LEGAL SERVICES AGENCY
10 9275 Gunston Road, Suite 1300
11 Fort Belvoir, VA 22060-5546
12 terrance.a.spann.civ@mail.mil

13 Kyle J. Smith
14 U.S. ARMY LEGAL SERVICES AGENCY
15 9275 Gunston Road
16 Fort Belvoir, VA 22060
17 Attorney for DOD

18 Michael M. Grant
19 GALLAGHER & KENNEDY, PA
20 2575 East Camelback Road, 11th Floor
21 Phoenix, AZ 85016
22 Attorneys for AIC
23 mmg@gknet.com

24 Gary Yaquinto
25 President and CEO
26 ARIZONA INVESTMENT COUNCIL
27 2100 North Central Avenue, Suite 210
28 Phoenix, AZ 85004
gtaquinto@arizonaic.org

Cynthia Zwick
1940 E. Luke Avenue
Phoenix, AZ 85016

Court S. Rich
ROSE LAW GROUP PC
6613 N. Scottsdale Road, Suite 200
Scottsdale, AZ 85250
Attorney for SEIA

Michael L. Neary
Executive Director
ARIZONA SOLAR ENERGY INDUSTRIES ASSOCIATION
111 W Renee Dr
Phoenix, AZ 85027-6613

Robert J. Metli, Esq.
MUNGER CHADWICK, PLC
2398 E. Camelback Road, Suite 240
Phoenix, AZ 85016
Attorneys for Opower, Inc.

1 Rachel Gold
2 Senior Regulatory Analyst
3 OPOWER
4 642 Harrison Street, Floor 2
5 San Francisco, CA 94110
6
7 Giancarlo Estrada
8 ESTRADA-LEGAL, PC
9 1 East Camelback Road, Suite 550
10 Phoenix, AZ 85012
11
12 Warren Woodward
13 55 Ross Circle
14 Sedona, AZ 86336
15
16 Karen White
17 U.S. AIR FORCE UTILITY LAW FIELD SUPPORT CENTER
18 139 Barnes Drive
19 Tyndall AFB, Florida 32403
20
21 Janice Alward, Chief Counsel
22 LEGAL DIVISION
23 ARIZONA CORPORATION COMMISSION
24 1200 W. Washington Street
25 Phoenix, Arizona 85007
26
27 Steve Olea, Director
28 UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION
1200 W. Washington Street
Phoenix, Arizona 85007